

should not restrict opportunities for expanding distance-learning and commercial services at the local level. Under the proposed rules, in collocated markets, ITFS and MDS licensees will be able to agree to shift their channels to create one contiguous band of upstream frequencies at one or the other end of their contiguous spectrum such that at most two guard bands are required to provide interference protection to adjacent downstream channels. In a market with fewer collocated channels, more guard band will be needed to protect adjacent channels. The Commission's proposed rules accommodate both scenarios, permitting highly efficient use of the spectrum where possible but also allowing licensees in non- or partially-collocated markets to implement two-way services with an appropriate amount of guard band.<sup>13</sup>

## CONCLUSION

In short, the Consortium wholeheartedly supports the Commission's goal of implementing two-way ITFS and MDS services as expeditiously as possible, consistent with the educational needs of ITFS licensees and consumer demand for digital video delivery and Internet access services. The proposed technical rules protect against harmful interference while providing licensees and commercial operators flexibility to design two-way systems based on the needs of educators and local market conditions.

However, the Consortium believes that, in order for licensees and operators to realize the benefits of the proposed technical rules, the ITFS programming and procedural rules should be amended to permit program shifting and channel swapping between the ITFS and MDS services.

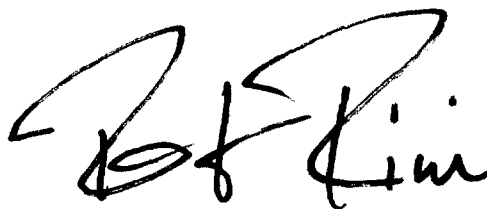
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<sup>13</sup> The Consortium applauds the Commission for reiterating in the NPRM that licensees of response station hubs and booster stations must cure actual interference to existing operations, including receive sites, as long as the ITFS receive antenna meets the requirements set forth in the FCC's rules. See NPRM at ¶ 44.

The Consortium further recommends that the Commission retain its minimum programming requirements, which provide local educators with adequate flexibility to meet their specific needs. Finally, the Consortium believes that the Commission must adopt additional safeguards to guard against unanticipated harmful interference in connection with two-way implementation.

Respectfully submitted,

**THE SAN FRANCISCO-SAN JOSE  
EDUCATOR/OPERATOR CONSORTIUM**

A handwritten signature in black ink, appearing to read "R. J. Rini", written over a horizontal line.

By:

Robert J. Rini  
Sarah H. Efir

January 8, 1998

Rini, Coran & Lancellotta, P.C.  
1350 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
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Its Attorneys

**ATTACHMENT**

January 8, 1998

Barbara Kreisman  
Video Services Division Chief  
Mass Media Bureau  
1919 M Street, N.W.  
Federal Communications Commission  
Washington, D.C. 20554

RE: FCC 97-360 MM Docket No. 97-217 Rulemaking on Two-Way ITFS and MDS Transmissions

Dear Ms. Kreisman:

We, the San Francisco/San Jose Educator/ITFS Operator Consortium, encourage the FCC to approve the two-way transmission ruling in a fast-track manner. The consequences of a slow or delayed ruling are twofold. First, the implementation of innovative, two-way, educational communications in support of the instructional, research and public service missions of our institutions will be delayed.

Second, a major source of funding for many of the ITFS operators in the San Francisco/San Jose Bay area will be jeopardized. We will be faced with difficult budget decisions that could adversely impact our quality programming. Our wireless cable lessee, Bay Area Cablevision, Inc. (a division of Wireless Holdings, Inc.), provides major financial as well as technical support. If BAC is delayed in developing a profitable high-speed data delivery and Internet business, it will not be able to stay competitive long term in today's high tech environment. In addition, an opportunity for the FCC to encourage competition in this marketplace will be missed. If approval delays cause BAC to be unsuccessful, this lack of fees, which form the bulk of our income and allow us to provide quality distance learning programming and services for the Bay area, will jeopardize the unique educational programs the Consortium members provide students in the San Francisco/San Jose Bay area.

We encourage the following:

- Fast-track approval of the Two-way Transmission Rulemaking
- Approval of program shifting and channel swapping
- Continuation of current ITFS programming requirements

- Determination of educational program content by professional educators
- Elimination of the 10 year limit on ITFS channel leases
- Adoption of the Commission's technical standards for two-way ITFS and MDS services

Fast-track approval of the two-way ruling will allow BAC to competitively develop and market its high-speed Internet product and, importantly, share both access to the technology and financial support with its ITFS partners. This means that the ITFS operators have increased funds to expand services and programming and provide high-speed Internet access to our school's teachers and students in the Bay area. The Internet is used as an adjunct to video classes and as a means of expanding innovative interactivity between and among students, teachers and administrators.

We are submitting this informal response to the FCC's Notice of Proposed Rulemaking for fixed two-way transmissions, to emphasize the importance of the Commission's rapid development of two-way ITFS and MDS rules. We encourage you to consider our concerns and move to speedily approve two-way transmission.

Respectfully,

THE SAN FRANCISCO - SAN JOSE EDUCATOR/ ITFS OPERATOR  
CONSORTIUM\*

Martha Sessums, President, Association for Continuing Education  
Shirley Connolly, General Manager, CTN/ San Francisco-San Jose  
John Wagstaffe, General Manager, Peralta Colleges Television Network  
Betty Benson, Producer/Director, Technology Education Network, San Jose State University  
Glenda Diggle, Director, Santa Clara County Office of Education  
Willi Bokenkamp, Senior Communications Analyst, University of California, Office of The President (University of California, Berkeley and University of California, San Francisco)

\*The San Francisco/San Jose Educator/ITFS Operator Consortium is comprised of seven educational institutions and organizations that provide distance education to students in K - 12 grade school systems, community colleges, undergraduate and graduate universities and continuing education for teachers, engineers, doctors and other professionals.

### **CERTIFICATE OF SERVICE**

I, Yvette King, a secretary with the law firm of Rini, Coran & Lancellotta, P.C., do hereby certify that I caused a copy of the foregoing "Comments of the San Francisco-San Jose Educator/Operator Consortium" to be sent by hand delivery on this 8th day of January, 1998 to the following:

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, N.W., Room 814  
Washington, D.C. 20554


The Honorable Susan Ness  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554

The Honorable Harold W. Furchtgott-Roth  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554

The Honorable Michael K. Powell  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554

The Honorable Gloria Tristani  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 826  
Washington, D.C. 20554

Barbara A. Kreisman  
Chief, Video Services Division  
Federal Communications Commission  
1919 M Street, N.W.  
Room 702  
Washington, D.C. 20554

  
Yvette King